IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CRIMINAL JURISDICTION

CRIMINAL WRIT PETITION NO.578 OF 2005

Nilesh Kumar Shantilal Jain .. Petitioner

v/s.

The State of Maharashtra & ors. .. Respondents

Mr.Subhash Jha with Mr.Ghanshyam Upadhyay and Mr.Gaurav Agrawal and Mr.D.Ghosh i/by M/s.Law Global for the petitioner.

Mr.S.R.Borulkar, Public Prosecutor for the State.

CORAM : SMT.RANJANA DESAI AND ANOOP V. MOHTA, JJ.

DATED : 20th October, 2005.

P.C.

In this petition, the grievance of the petitioner is that the investigation of C.R.No.334 of 2003 of M.I.D.C. Police Station which is subsequently transferred to the Economic Offences Wing, GB CB CID, Mumbai vide C.R.No.23 of 2003 and C.R.No.109 of 2004 of Powai Police Station, Mumbai, is not conducted properly and therefore, the investigation of both these cases be transferred to the Central Bureau of Investigation or State C.I.D.

or any other investigating agency.

2. We have heard the learned counsel appearing for the petitioner at considerable length. He made a serious grievance about the investigation. He took us through some documents of the concerned police station and contended that the specific directions

given by the higher officers were flouted. The accused were not arrested and the investigation was done in a most perfunctory manner. So far as the investigation of C.R.No.23 of 2003 by Economic Offences Wing is concerned, we find that this court has passed an order on 25th August, 2005 directing the investigating agency to record the statements of the witnesses as per the letter dated 21st August, 2005, addressed to the Public Prosecutor by the petitioner's advocate. We are informed by Mr.Borulkar, the learned Public Prosecutor that accordingly, statements of the witnesses have been recorded. Since the statements of the witnesses have been recorded pursuant to the order passed by this court, if the police get any further leads, we expect the police to follow up those leads and carry out further investigation, if necessary, in accordance with law. Mr.Borulkar, on instructions of the concerned officer, states that the police shall do so. In view of this, we would not like to pass further order in respect of this case.

3. So far as C.R.No.109 of 2004 of Powai Police Station is concerned, the investigation is in progress. The petitioner's main grievance was against respondent No.3 Mr.Jai Jeet Singh, then Deputy Commissioner of Police, Zone-VIII, Mumbai. We are informed that Mr.Jai Jeet Singh is no longer incharge of said Zone and now the charge of the said Zone is taken by Mr.Ravindra Prabhakar Sengaonkar, Deputy Commissioner of Police, Zone-X.

4. Having gone through the petition and the annexures thereto and having heard the serious grievances made by the learned counsel for the petitioner, we direct Mr.Ravindra Prabhakar Sengaonkar, Deputy Commissioner of Police, Zone-X to go through all the papers of the said case minutely and direct such investigation as is necessary in the case, so that the main culprits would be booked. We hope and trust that Shri Ravindra Prabhakar Sengaonkar will carry out this important task which we have put on his shoulders properly. We also expect Mr.Ravindra Prabhakar Sengaonkar should take expeditious steps in the investigation.

5. In view of the above observations, this petition is disposed of.

(SMT.RANJANA DESAI, J.)

(ANOOP V. MOHTA, J.)